

DEPARTMENT OF CHILDREN AND FAMILIES
OFFICE OF INSPECTOR GENERAL

Investigative Report
Case Number: 2017-0039

INTRODUCTION

On September 14, 2016, Circuit 20 Community Development Administrator Aaron Stitt reported to the Department of Children and Families (Department) Office of Inspector General (OIG) that he received a handwritten letter, dated August 28, 2016, from Patrice Fischer, alleging that Children's Network of Southwest Florida, LLC (CNSWFL) Chief Operating Officer (COO) Raymond Fischer accessed pornography on his CNSWFL-issued iPad and iPhone.

ALLEGATION AND FINDING

Allegation and Finding

Children's Network of Southwest Florida, LLC (CNSWFL) Chief Operating Officer Raymond Fischer viewed pornography on his CNSWFL-issued iPad and iPhone.

Potential violation of Rule 60L-36.005(1) and (3)(e), (f), and (g), F.A.C.; Section 2-2.a.(11)(c), CFOP 50-22; Section 1-8.c.(5), (6)(b) and (c), and (7), CFOP 60-55; Paragraph 5. and Attachment I, B.1.a.6), Contract #HJ300 between the Department and CNSWFL; Section IX.A.1.a), CNSWFL Policy #IT-001; and § 827.071(5)(a), F.S.

Finding: NOT SUPPORTED.

COMPLAINANT TESTIMONY

On July 19, 2017, the OIG interviewed Ms. Fischer, at which time she alleged that the pornography she witnessed Mr. Fischer viewing on his CNSWFL-issued iPad and iPhone included images of young (teenage) girls. Due to the additional information regarding possible child pornography, the OIG immediately referred the matter to the Florida Department of Law Enforcement (FDLE) on July 20, 2017. On July 24, 2017, FDLE Special Agent Supervisor Larry Long from the Cyber High-Tech Crime Squad interviewed Ms. Fischer. During the OIG and FDLE interviews, Ms. Fischer acknowledged writing to the Department and Governor Rick Scott about Mr. Fischer, who she has known since about 1982. They were married in June 2014, she as his third wife, but were separated in late 2015 due to his refusal to address a pornography addiction. She made the complaint because she was genuinely concerned about his health and well-being.

Ms. Fischer claimed that Mr. Fischer was a drug and alcohol addict in the past, but has been sober for many years. She believed he replaced that addiction with pornography. While together at their home, she caught him on numerous occasions on the "Pornhub" website viewing pornography on his CNSWFL-issued iPad. He told her he could delete all traces of such activity from the iPad. The pornography included images and movies of "very young teenage" girl-on-girl action, with some of the girls appearing to be 15 years old, others in their 20s. She did not believe very young children were involved.

He also had numerous pornographic images on his CNSWFL-issued iPhone. On one occasion, when she told him to leave their home because of his continued pornography

viewing, he left his CNSWFL-issued iPhone at home and she found pornographic images on it.

WITNESS TESTIMONY

The following individual was interviewed:

- CNSWFL Chief Executive Officer (CEO) Nadereh Salim

On an unknown date, Ms. Salim learned from former SunCoast Regional Managing Director Lisa Mayrose¹ that a complaint alleged Mr. Fischer viewed pornographic material on his CNSWFL-issued equipment. Prior to this, Ms. Salim never received any reports or heard anything about Mr. Fischer viewing inappropriate websites, including pornographic websites. Ms. Salim has never had any issues or problems with Mr. Fischer during his employment with CNSWFL and never suspected that he acted unethically outside of CNSWFL.

Mr. Fischer was assigned an iPad, iPhone, and laptop computer several years ago,² as are most CNSWFL employees. When asked about the CNSWFL policy relating to using CNSWFL equipment for personal use, Ms. Salim advised that minimal and occasional use is acceptable, as long as the material is appropriate; pornography would not be appropriate.

RECORDS REVIEWED

FDLE Investigative Report (Case Number EI-73-8524)

On August 11, 2017, FDLE Special Agent Supervisor Long provided the OIG with a copy of the FDLE Investigative Report for FDLE Case Number EI-73-8524. The report reflects that on August 10, 2017, FDLE interviewed Ms. Salim, who said that Mr. Fischer started working for CNSWFL in 2004 and was promoted several times to his current position. Mr. Fischer was assigned an iPad and iPhone several years ago. Mr. Fischer has been going through a difficult divorce. Prior to this complaint, Ms. Salim had never received any reports or heard anything about Mr. Fischer accessing pornography on any CNSWFL-issued device. Ms. Salim gave consent for FDLE to conduct a forensic review of the iPad and iPhone issued to Mr. Fischer by CNSWFL.

- **Forensic Review of Mr. Fischer's CNSWFL-issued iPad and iPhone³**
FDLE Systems Programming Consultant Chris Vaden conducted a forensic review of Mr. Fischer's CNSWFL-issued iPad and iPhone using Cellebrite Universal Forensic Extraction Device (UFED), a forensic software extraction program, and found nothing of evidentiary value on either device. The report noted, "...photographs were found that were dated back to 2011 and it appeared that nothing had been deleted recently from the devices. Additionally, information on websites visited from several years ago would not be available from this forensic preview."

¹ Effective June 1, 2017, Ms. Mayrose was no longer employed by the Department.

² A November 28, 2017 e-mail from CNSWFL Information Technology Manager Sherrie Weckesser sent to CNSWFL Executive Assistant/Human Resource Liaison Michelle Leonard reflected that Mr. Fischer was issued a CNSWFL iPhone and iPad on May 20, 2014, a CNSWFL laptop computer on March 23, 2010, and a Microsoft Surface Pro in August 2017 (specific date unknown).

³ According to Ms. Salim, Mr. Fischer was unaware that law enforcement would be conducting a forensic review of his CNSWFL-issued iPad and iPhone.

The report reflected that on August 10, 2017, FDLE interviewed Mr. Fischer, at which time he disclosed that he was promoted several times within CNSWFL, up to his current position as COO, and had never been disciplined or suspended. Mr. Fischer was issued an agency iPad and iPhone five or six years ago that he still used for business, but sometimes for personal use. Mr. Fischer denied using the iPad or iPhone to look at pornography or visit pornographic websites. Mr. Fischer told FDLE that he had never seen or downloaded child pornography. He said that about three years ago, he used his iPad to access Backpage to determine what a client was allegedly posting. Once he realized what Backpage was, he immediately stopped looking at the website and never visited the site again. Mr. Fischer indicated that he had passcodes on his devices and did not share them with anyone.

CNSWFL Information Technologies Acceptable Use Policy Summary

On January 18, 2015 and May 6, 2015, Mr. Fischer signed and dated the CNSWFL Information Technologies Acceptable Use Policy Summary, which contained the following information, quoted in pertinent part:

...While you may occasionally use your computer to do personal, non-business related tasks, this use should be incidental and not significant...

SUBJECT TESTIMONY

CNSWFL COO Raymond Fischer

On an unknown date, Mr. Fischer learned from FDLE about the allegations that he accessed inappropriate websites, which he denied doing on any CNSWFL-issued equipment. He provided his CNSWFL-issued equipment to FDLE, who “plugged the equipment into machines.” He did not know the outcome, but FDLE returned his equipment.

Mr. Fischer believed that Ms. Fischer made the allegations against him. In the past, she threatened to do anything she could to ruin his career, including hurting his reputation. When asked why Ms. Fischer would have made the allegations, Mr. Fischer said that on one occasion, when Ms. Fischer arrived home and he was checking his e-mails, she asked him if he was “surfing porn sites.” Ms. Fischer is mentally unstable and went “crazy,” which may have been a result of her medication at the time. In the past (date unknown), she was arrested for domestic violence.

CNSWFL provided Mr. Fischer with an iPad, iPhone, laptop computer, and Microsoft Surface Pro. He admitted to using his CNSWFL-issued equipment for personal use, but only for checking a bank statement and paying bills.⁴ He confirmed that he never accessed inappropriate websites or pornographic websites on his CNSWFL-issued equipment, other than accessing Backpage,⁵ which was for work-related purposes. According to Mr. Fischer, inappropriate websites would mean pornographic websites and websites that involved illicit behavior.

⁴ Ms. Salim advised the OIG Investigator that Mr. Fischer’s use of CNSWFL-issued equipment to access personal bank statements and pay bills would be permissible, as long as it was done occasionally and not interfering with his job performance and duties.

⁵ Ms. Salim advised the OIG Investigator she has heard that on occasion, when foster youth are on runaway status, there are times they expect the youth is involved in prostitution or human trafficking and CNSWFL employees use Backpage as a means to locate the youth. Ms. Salim considered it appropriate that Mr. Fischer viewed Backpage, as long as he did not do so for personal reasons, because his employees use it as a vehicle to help identify and locate their youth.

Out of curiosity, Mr. Fischer viewed Backpage (unknown date) on his iPad to determine what the website was, since the website is used to locate children in care. When he realized what the website was, he quickly exited the website even though he had a legitimate business reason to view it. He gave as an example how the human trafficking advocate (no specifics provided) views the website in order to search for children in care.

Mr. Fischer confirmed that he has passwords on his CNSWFL-issued equipment and that no one has access to his passwords.

SUMMARY

The allegation that Children's Network of Southwest Florida, LLC (CNSWFL) Chief Operating Officer Raymond Fischer viewed pornography on his CNSWFL-issued iPad and iPhone is **not supported**. The finding is based on the following:

- Ms. Fischer testified that in 2015, she witnessed Mr. Fischer viewing pornographic images, including images of possible teenage girls, on his CNSWFL-issued iPad and iPhone.
- Upon learning from Ms. Fischer that she believed the pornography viewed by Mr. Fischer included images of minors, the OIG immediately referred the matter to the Florida Department of Law Enforcement (FDLE), who conducted a forensic analysis of Mr. Fischer's CNSWFL-issued iPad and iPhone and found no evidence of any pornographic material.
- Ms. Salim testified that she has never received any reports or heard anything about Mr. Fischer accessing pornography on any CNSWFL-issued equipment.
- Mr. Fischer testified that he has used his CNSWFL-issued equipment for personal use, but only to view his bank statements and pay bills.
- Mr. Fischer denied viewing pornography on any CNSWFL-issued equipment or sharing the passwords for those devices with anyone.

RECOMMENDATIONS AND ACTIONS

No action is required.

In compliance with § 20.055(7)(e), Florida Statutes (F.S.), a copy of this report was provided to Mr. Fischer on December 18, 2017. No response was received from Mr. Fischer.

This investigation has been conducted in accordance with the ASSOCIATION OF INSPECTORS GENERAL Principles & Quality Standards for Investigations.

REFERENCES**CONTRACT INFORMATION**

Through Contract #HJ300, effective July 1, 2012 through June 30, 2017 (extended through June 30, 2018 per Amendment #018), the Department contracts with Children's Network of Southwest Florida, LLC to serve as the lead CBC agency and deliver foster care and related services in Circuit 20.

EXPLANATION OF TERMS

Backpage	Backpage is a search engine for classified advertisements for cars, jobs, housing, items for sale, dating, and services.
Cellebrite UFED	Cellebrite Universal Forensic Extraction Device (UFED) is a forensic software program that performs forensically sound advanced logical, file system and physical extractions of intact and deleted data from an unmatched variety of digital devices.
Circuit 20	Circuit 20 consists of Charlotte, Collier, Glades, Hendry, and Lee Counties.
Pornhub	Pornhub is a free online website that permits users to view pornographic images and videos.
SunCoast Region	The SunCoast Region consists of Circuit 6 (Pasco and Pinellas Counties); Circuit 12 (Desoto, Manatee, and Sarasota Counties); Circuit 13 (Hillsborough County); and Circuit 20.